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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,108

12/29/2003

Cynthia Paige Amato

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EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,108	<b>Applicant(s)</b> AMATO ET AL.	
	<b>Examiner</b> CHRISTOPHER R. BUCHANAN	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-27 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-27 and 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-27, and 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plush et al. (US 6,532,282) alone.

Regarding claims 1 and 24, Plush discloses a method/system for managing rollover usage units for a communication services subscriber (see abstract) that includes receiving and storing rollover data elements (col. 2 line 36+, col. 7 line 25+) wherein the data include subscriber information and a balance of rollover units (col. 7 line 56+, col. 8 line 1-14) available to offset an amount of overage units used (col. 9 line 63+, col. 10 line 1-8, if no time left in current bundle then previous, i.e., rollover, bundle is used) and wherein the balance of rollover units includes unused units from a previous billing cycle (col. 7 line 24+), receiving a request for rollover data elements that apply to the subscriber being processed for a billing cycle (col. 7 line 56+), and presenting the rollover data elements for the subscriber (col. 7 line 56+) wherein the rollover units are measured in billable units (col. 8 line 3-23) and wherein it is possible to set limits on the rollover units (col. 7 line 61-63). Furthermore, the rollover data is presented to an accounting system (accounting system performs functions shown in Figs. 4, 5, 8 and

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described in col. 7 line 24+, col. 8 line 1+), wherein the data includes the rollover units accumulated (col. 8 line 9-11, amount of time rolled over) and wherein the accounting system defers revenue associated with the rollover units accumulated in a current billing cycle to a subsequent billing cycle (col. 2 line 12+, col. 7 line 24-28, abstract, value for remaining bundle time from previous billing periods is utilized in subsequent billing periods, i.e., revenue is deferred).

The method/system of Plush differs from the instant invention in that it does not explicitly show the rollover units to be limited by an expiration period. However, Plush does disclose that limits can be set on rollover units and that usage units expire at the end of a billing period (col. 1 line 52+, col. 4 line 49-52). Given these features, it would be obvious to one skilled in the art that the rollover units could be limited by setting an expiration period and to include this feature in the invention would be a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method/system of Plush so that the rollover units are provided with an expiration period, as suggested by design choice, to avoid excess accumulation of usage units by a subscriber (col. 7 line 61-62).

Regarding claim 2, the method includes receiving post-billing information including subscriber identification, amount of units accumulated, etc. (col. 8 line 15+). Regarding claim 3, the billable units include a quantity of time, etc. (col. 4 line 66+, col. 8 line 4+). Regarding claim 4, the rollover data elements are stored in a rollover management system (see Fig. 2). Regarding claim 6, the rollover data includes an

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amount of units added to and subtracted from the balance. Regarding claims 7 and 8, the particular features of the post-billing and rollover data are matters of design choice. Regarding claim 9, the rollover units are stored based on billing cycles and transferred as each successive billing cycle closes. Regarding claim 10, the rollover data are updated with various information (col. 7 line 24+). Regarding claim 11, reports are created to show usage of units, etc. (col. 8 line 14+). Regarding claim 12, the data includes dates, times, call durations, etc. (col. 8 line 4-14). Regarding claim 13, the service includes a wireless telecommunications service. Regarding claim 14, the requesting entity is the billing system of the service. Regarding claims 15-17, the rollover data are stored in a database and the particular contents of the data would be a matter of design choice. Regarding claims 18 and 21, it is common practice for subscribers to alter their plan features and to update their information. Regarding claims 19 and 20, how the rollover units are handled after expiration would be a matter of design choice. Regarding claims 22 and 23, a computer controlled apparatus using computer executable instructions performs the method (col. 3 line 32+). Regarding claims 25-42, the features of the invention recited in these claims have already been addressed in the rejection above.

### ***Response to Arguments***

3. Applicant's arguments filed August 25, 2008 have been fully considered but they are not persuasive. Applicant argues that the prior art reference, Plush, does not disclose all the recited features of the claimed invention. In particular, that the prior art

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does not disclose the newly added features recited in amended claims 1 and 24, such as presenting the rollover data to an accounting system and deferring revenue associated with rollover units to later billing cycles.

The examiner disagrees and stands by the rejection. The claim amendments have been addressed in the rejection above and the location in the prior art where the recited features are disclosed is pointed out.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone

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number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. R. B./

Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627